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REMARKS

This Amendment responds to the Office Action of January 26, 2005.

Claims 1, 4-7, 22-27, and 29-34 remain in this application. Claims 1, 22, and 29 are independent. Claims 2, 3, 8-21, 28, 35-55 have been canceled. Claims 1, 4, and 7 have been amended.

The Office Action rejected claims 1,2, 5, 6, 9, and 12-20 under 35 U.S.C. §§ 102(b), 102(e), as being anticipated by Bracken, et al., "High-tech 360." The Office Action rejected claims 35-54 under 35 U.S.C. § 102(e), as being anticipated by Fethe (U.S. 5,926,794). The Office Action rejected claims 3, 4, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bracken, et al. "High-tech 360." The Office Action rejected claims 10, 11, and 21-34 under 35 U.S.C. § 103(a) as being unpatentable over Bracken, et al. and Fethe. These bases for rejection are addressed below.

Organizations have become geographically dispersed, with personnel who often speak different languages, which, in turn, complicates the process of conducting performance appraisals. Claims 1-7, 22-27, and 29-34 are directed to methods and systems for using computers to achieve a computer-implemented solution to the problem of conducting performance appraisals in geographically diverse organizations with personnel who speak different languages.

For example, currently amended claim 1 recites (emphasis added):

A computer-implemented method for providing performance measurement of an multiple evaluatees, wherein the method comprises:

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evaluators accessing an online performance measurement program on a distributed network access device;

the evaluators electing to complete at least one an online 90 degree or 360 degree evaluation for an evaluatee in the native language of the evaluators;

completing an online self evaluation;

providing the evaluators completing the elected evaluations with evaluation forms in the native language of the evaluators;

aggregating the results of the evaluations for each evaluatee; and

sending feedback relating to the evaluations to each evaluatee.

Applicants respectfully submit that none of the prior art of record have anything to do with solving the problem of conducting performance appraisals in geographically diverse organizations with personnel who speak different languages. Bracken et al. is directed to an Internet-based system for conducting 360 degree evaluations, but does not address the specific problem of conducting performance evaluations with personnel who speak different languages.

The Office Action concedes that Bracken et al. does not expressly disclose presenting the evaluations in multiple languages. (Office Action at 8.) The Office Action states that :[a]t the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Bracken et al. to implement the evaluation system in multiple languages since Bracken et al. touts its system's global accessibility, applying multiple languages would enhance the system's reach to its participants in

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offices around the globe." (*Id.* (citing Bracken et al. ¶ 25.) Bracken et al. ¶ 25 states that "[c]ompanies with global sites will see a substantial advantage to an Internet application." That statement in Bracken et al. does not teach, disclose, or suggest any solution to the specific problem of conducting performance evaluations with personnel who speak different languages. It does not teach, disclose, or suggest the steps of "the evaluators electing to complete at least one an online 90 degree or 360 degree evaluation for an evaluatee in the native language of the evaluators" and "providing the evaluators completing the elected evaluations with evaluation forms in the native language of the evaluators" as recited in claim 1.

Fethe is directed to a performance appraisal system "which utilizing visually simplicity, enables raters to capture complex, comparative, hierarchical performance information which is difficult to communicate in numbers or words. Fethe does not address the specific problem of conducting performance evaluations with personnel who speak different languages. Fethe also does not teach, disclose, or suggest the steps of "the evaluators electing to complete at least one an online 90 degree or 360 degree evaluation for an evaluatee in the native language of the evaluators" and "providing the evaluators completing the elected evaluations with evaluation forms in the native language of the evaluators" as recited in claim 1.

Claim 22 recites (emphasis added):

A system for providing a performance evaluation, comprising:

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an interface module, said interface module presenting to an evaluator an evaluation form in a first language, said evaluator inputting evaluation information regarding an evaluatee into said evaluation form;

an evaluation data database for storing said evaluation information; and a feedback generator retrieving said evaluation information from said evaluation data database and placing said evaluation information into a feedback form;

wherein said interface module presents said feedback form to said evaluatee in a second language.

Neither Bracken et al. nor Fethe, nor any of the prior art of record disclose, suggest, or teach, disclose, or suggest "an interface module, said interface module presenting to an evaluator an evaluation form in a first language, said evaluator inputting evaluation information regarding an evaluatee into said evaluation form . . . wherein said interface module presents said feedback form to said evaluatee in a second language" as recited in Claim 22.

Claim 29 recites (emphasis added):

A method for providing a performance evaluation, comprising the steps of:

presenting to an evaluator an evaluation form in a first language,
receiving from said evaluator evaluation information regarding an
evaluatee via said evaluation form;
storing said evaluation information into an evaluation data database;

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retrieving said evaluation information from said evaluation data database;
placing said evaluation information into a feedback form;
presenting said feedback form to said evaluatee in a second language.

Neither Bracken et al., nor Feth, nor any of the prior art of record disclose, suggest, or teach, disclose, or suggest “presenting to an evaluator an evaluation form in a first language” and “presenting said feedback form to said evaluatee in a second language” as recited in claim 29.

The Office Action concedes that Bracken et al. does not expressly disclose listing on a to do list outstanding tasks relating to the completion of the performance measurement for each evaluatee as recited in claim 4 or listing completed tasks for the performance measurement as recited in claim 7. The Office Action contends that Bracken et al “does disclose monitoring the progress of an individual during a performance evaluation period.” (Office Action at 6 (citing Bracken et al. ¶ 16).)

At paragraph 16, Bracken et al. states that: “In addition, participants can work with a virtual feedback coach online to help prepare their development plans. At the conclusion of the assessment process, they go to the Website and read their feedback reports and read their feedback reports. the site links to an interactive development-planning system that guides them through steps to identify key development needs and design an individual development plan to address those needs. Periodically, the site should be updated to reflect participants’ progress.” The discussion in paragraph 16 of Bracken et al. is directed to monitoring an evaluatee’s development needs after the

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evaluatee's performance has been measured. It has nothing to do with listing on a to do list outstanding tasks relating to the completion of the performance measurement for each evaluatee as recited in claim 4 or listing completed tasks for the performance measurement as recited in claim 7. The Office Action's comment that "it is old and well known that measuring the performance of an individual in a business setting includes monitoring the completion of tasks," standing alone, does not establish that methods of accessing an online performance measurement program listing on a to do list outstanding tasks relating to the completion of the performance measurement for each evaluatee as recited in claim 4 or listing completed tasks for the performance measurement as recited in claim 7 would have been obvious.

The Office Action contends that Bracken et al. disclose linking compensation and promotion processes to the evaluation as recited in claims 5 and 6. (Office Action at 3 (citing Bracken et al. ¶ 29.) Applicants respectfully disagree. Paragraph 29 of Bracken et al. states that it is "increasingly common for a company to use employees' feedback results to make such decisions as pay increase and promotions[,] but it does not disclose, teach, or suggest linking those processes to the evaluation as recited in claims 5 and 6.

Applicants respectfully request that the rejections based on Bracken et al. and Fethe be withdrawn.

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Conclusion

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 1, 4-7, 22-27, and 29-34 are patentably distinct over the prior art of record, that the application is in proper form for allowance of all claims, and earnestly solicits a notice to that effect.

Respectfully submitted,

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